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Attorney for MOUSTAPHA MOUSTAPHA

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MOUSTAPHA MOUSTAPHA,

Defendant.

No. CR 24-CR-168-MS

DEFENDANT MOUSTAPHA MOUSTAPHA
MOTION TO PRECLUDE THE GOVERNMENT
FROM UTILIZING EVIDENCE PRODUCED
AFTER AUGUST 5, 2024

PLEASE TAKE NOTICE that at 9:00 on August 13, 2024, or as soon thereafter as counsel may be heard, in the Courtroom of the Honorable Mark C. Scarsi, United States District Judge, defendant Moustapha Moustapha will bring on for hearing the following motion in limine to preclude the government from utilizing at trial any evidence, including expert statements, that were produced after the August 5, 2024, status conference.

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1 This motion is based on the attached memorandum of
2 points and authorities and any other evidence the Court
3 wishes to hear.

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5 Respectfully Submitted,

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7 Dated: August 8, 2024

8 //s// Meghan Blanco
9 MEGHAN BLANCO
10 Attorney for
11 MOUSTAPHA MOUSTAPHA
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. Introduction

3 Mr. Moustapha was arrested on February 12, 2024.
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5 Since his arrest, the government has produced modest
6 amounts of discovery on March 29, April 1, April 10, and
7 April 15. Copies of the government's production letters
8 are attached hereto as exhibits. Missing from the
9
10 discovery are several items, which have been in the
11 government's possession for months, including, forensic
12 information allegedly derived from various telephones;
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14 fingerprint evidence; complete expert reports and
15 disclosures, including complete disclosures regarding the
16 seized narcotics, seized firearms, and drug distribution
17 organizations (to date no complete disclosures have been
18 made); photographs allegedly taken during various
19 surveillance, search and arrest operations (no photographs
20 have been produced); recordings, if any, of controlled
21 interviews (none have been produced); business records,
22 including from shipping companies and rental companies
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1 (none have been produced); toll records/call detail
2 records (none have been produced); and translations.
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4 II. Argument

5 The Court's standing criminal trial order requires the
6 government to produce to defense counsel "the discovery it
7 currently has in its possession within seven days from the
8 date of the PIA Hearing." Further, the Court's order
9 requires the government to "produce to defendant(s) the
10 discovery related to evidence it seeks to introduce at
11 trial no later than two (2) weeks prior to the scheduled
12 trial date." The August 5, 2024, status conference
13 occurred more than seven days after Mr. Moustapha's PIA
14 and fewer than two weeks before the August 13, 2024, trial
15 date. Accordingly, the government should be precluded
16 from utilizing at trial any evidence, including
17 testimonial evidence from any expert who was not properly
18 noticed and disclosed, in accordance with the Court's
19 standing order.
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Respectfully Submitted,

Dated: August 8, 2024

//s// Meghan Blanco
 MEGHAN BLANCO
 Attorney for
 MOUSTAPHA MOUSTAPHA